

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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: UNITED STATES OF AMERICA, :  
: : 25-CR-54 (RPK)  
v. :  
: February 13, 2025  
WEIHONG HU, :  
: Brooklyn, New York  
Defendant. :  
: :  
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TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT  
BEFORE THE HONORABLE JAMES R. CHO  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: BREON PEACE, ESQ.  
U.S. ATTORNEY  
BY: ERIC SILVERBERG, ESQ.  
MEREDITH ARFA, ESQ.  
ASSISTANT U.S. ATTORNEYS  
271 Cadman Plaza East  
Brooklyn, New York 11201

For the Defendant: ANDREA ZELLAN, ESQ.  
Brafman & Associates, P.C.  
256 Fifth Avenue, 2nd Floor  
New York, NY 10001

Court Transcriber: ARIA SERVICES, INC.  
c/o Elizabeth Barron  
274 Hovey Road  
Milo, ME 04463  
Aria@leinen.net

Proceedings recorded by electronic sound recording,  
transcript produced by transcription service

1           THE CLERK: Criminal cause for arraignment  
2 on the indictment, U.S.A. v. Weihong Hu, case number  
3 25-CR-54.

4           We do have the assistance of a Mandarin  
5 interpreter, I think previously sworn. Let me just  
6 swear you.

7           (Interpreter is sworn.)

8           THE CLERK: Your name for the record.

9           THE INTERPRETER: Good afternoon, your  
10 Honor. Mandarin interpreter Tuo, T-u-o, Huang, H-u-a-  
11 n-g.

12           THE CLERK: Thank you very much, Mr. Huang.  
13 Counsel, your name for the record. For the  
14 government?

15           MS. ARFA: Good afternoon, your Honor.  
16 Meredith Arfa for the government. With me is AUSA Eric  
17 Silverberg.

18           THE CLERK: Thank you.

19           And for Ms. Hu.

20           MS. ZELLAN: Andrea Zellan for the defendant  
21 Weihong Hu.

22           THE CLERK: Thank you.

23           THE COURT: All right, good afternoon,  
24 everyone.

25           To confirm, are you Weihong Hu?

1                   THE DEFENDANT:   Yes.

2                   THE COURT:   Okay.  Now, the purpose of  
3 today's proceeding is to make sure you understand your  
4 rights, what you are charged with, and to determine  
5 whether you should be released on bail or held in jail.  
6 You have the right to remain silent.  You're not  
7 required to make any statement.  If you've made a  
8 statement, you need not say anything more.  If you  
9 start to make a statement in the future, you can stop  
10 at any time.  Any statement you make may be used  
11 against you.  You also have a right to a lawyer.  If  
12 you can't afford one, the Court will appoint one for  
13 you.

14                   You have been charged by a grand jury with  
15 the following counts:  Count 1, wire fraud conspiracy;  
16 Count 2, honest services wire fraud; Count 3,  
17 conspiracy to violate the Travel Act with overt acts;  
18 Count 4, use of facility or interstate facilities in  
19 aid of bribery; Count 5, money laundering conspiracy,  
20 and there are forfeiture allegations as well.

21                   Ms. Hu, have you received a copy of this  
22 indictment or has your attorney explained it to you?

23                   THE DEFENDANT:   Yes.

24                   THE COURT:   Ms. Hu, have you had a chance to  
25 discuss these charges with your lawyer?

1 THE DEFENDANT: Yes.

2 THE COURT: Ms. Hu, do you understand the  
3 nature of the charges against you?

4 THE DEFENDANT: Yes.

5 THE COURT: Ms. Zellan, does your client  
6 want the charges read aloud or does she waive reading?

7 MS. ZELLAN: Your Honor, we waive the  
8 reading and enter a plea of not guilty on all counts.

9 THE COURT: Okay, understood.

10 Let me turn to the government. Do we need  
11 consular notification for this defendant?

12 MS. JOHNSON: No, your Honor.

13 THE COURT: All right. Let me give the  
14 government some warnings. Pursuant to Federal Rule of  
15 Criminal Procedure 5f, I remind the government of its  
16 obligation under Brady v. Maryland and its progeny to  
17 disclose to the defense all information known to the  
18 government, whether admissible or not, that is  
19 favorable to the defendant and material either to guilt  
20 or to punishment. The government must make good-faith  
21 efforts to disclose such information to the defense as  
22 soon as reasonably possible. I will be entering an  
23 order that more fully describes this obligation and the  
24 consequences of failing to meet it, and I direct the  
25 government to review and comply with that order.

1           Does the government confirm that it  
2 understands its obligations and will fulfil them?

3           MS. ARFA: Yes, your Honor, the government  
4 understands its obligations. We'll review your Honor's  
5 order once it is entered and will comply with its  
6 obligations and the order.

7           THE COURT: Okay, all right. I understand  
8 there's a proposed bail package, is that right?

9           MS. ARFA: Yes, your Honor. We have a  
10 package on consent. It provides for a twenty-million-  
11 dollar bond secured by two properties, of which the  
12 defendant is sole owner, with those properties to be  
13 identified and posted by February 27<sup>th</sup>. It also  
14 provides for two financially responsible suretors, also  
15 to be identified by February 27<sup>th</sup>, as well as standard  
16 pretrial conditions. And there I will note that we  
17 already have Ms. Hu's passport. It was provided  
18 earlier today. And we have agreed to limit travel to  
19 the Eastern and Southern Districts.

20           THE COURT: Okay, all right. Ms. Zellan,  
21 anything else you want to add in terms of the  
22 conditions?

23           MS. ZELLAN: No, your Honor. I don't expect  
24 that Pretrial is recommending anything out of the  
25 ordinary. If there is anything that's out of the usual

1 conditions, I would just want to know what that is.

2 UNIDENTIFIED SPEAKER: Your Honor, the only  
3 special condition that we requested based on the  
4 interview with Ms. Hu was mental health evaluation and  
5 treatment.

6 MS. ZELLAN: Understood. That's acceptable,  
7 your Honor. No further concerns.

8 THE COURT: Okay.

9 MS. ARFA: And the government has no  
10 objection to that.

11 THE COURT: All right. We don't have the  
12 pretrial report yet, do we?

13 THE INTERPRETER: No.

14 THE CLERK: No.

15 THE INTERPRETER: They just finished  
16 speaking with the son so he was still updating it.

17 THE COURT: Okay.

18 THE INTERPRETER: But he did tell me that  
19 the only special condition that would be requested was  
20 mental health evaluation and treatment.

21 THE COURT: Okay. So Pretrial is  
22 recommending release?

23 THE INTERPRETER: Release on the standard  
24 conditions with the addition of mental health  
25 evaluation and treatment.

1           THE COURT: All right. At this time, I'll  
2 go ahead and approve the bond as proposed by the  
3 parties, in the amount of twenty million dollars.

4           Ms. Hu, you'll be subject to pretrial  
5 supervision. You're to surrender your passport and not  
6 obtain any additional travel documents. You are not to  
7 leave the Southern or Eastern Districts of New York,  
8 and your lawyer can explain to you what territories  
9 that covers. You're not to have any contact with  
10 codefendants or coconspirators, except in the presence  
11 of your lawyer, and have no contact with potential  
12 victims in this case or witnesses as well. You are  
13 also to undergo evaluation and treatment for any mental  
14 health problems as directed by Pretrial Services.

15           I will allow the defendant to have two  
16 suretors co-sign by February 27<sup>th</sup>, 2025 and to identify  
17 and post the property by February 27<sup>th</sup>, 2025 as well.

18           Now let me give you some warnings, Ms. Hu.  
19 Under our system, you don't have to put up any money  
20 today, okay? It's only in the event that you violate  
21 any terms of your release, the government may come  
22 after you to recover the full twenty-million-dollar  
23 bond and also to seize the two properties posted in the  
24 bond as well, okay?

25           Now, if you fail to come to court as

1 directed, a warrant will be issued for your arrest, and  
2 you'll be held without bail until your trial. If you  
3 fail to appear, you may be brought up on charges of  
4 bail jumping, which is a separate felony offense. Even  
5 if you're not convicted of the underlying charge, if  
6 you're convicted of bail jumping, you could go to jail  
7 for that. If you're convicted of both the underlying  
8 charge and of bail jumping, you could receive  
9 consecutive jail terms. If you commit any crimes while  
10 out on bail, you'll be subjected to increased  
11 punishment.

12           So you are not to threaten or influence the  
13 testimony of any witnesses against you. You could be  
14 punished for that as well. So keep your attorney aware  
15 of where you can be reached, appear in court as  
16 directed, do not commit any crimes while you're out on  
17 bail, and do not influence the testimony of any  
18 witnesses against you.

19           Ms. Hu, can you comply with all of those  
20 conditions of your release?

21           THE DEFENDANT: Yes.

22           THE COURT: Okay. I will go ahead and  
23 approve the bond as proposed by the parties.

24           I understand there's a request to exclude  
25 time.



1 MS. ARFA: Yes, your Honor. There is a  
2 request to exclude time until March 12<sup>th</sup>, which is when  
3 the initial status conference is scheduled before Judge  
4 Kovner. The basis of that request is to afford the  
5 parties time to negotiate a protective order, for the  
6 government to produce discovery and for the defense to  
7 review that discovery, and for the parties to engage in  
8 please discussions.

9 THE COURT: All right. Ms. Zellan, have you  
10 discussed this request with your client?

11 MS. ZELLAN: Yes, I have, your Honor, and we  
12 consent.

13 THE COURT: Do you believe it's in your  
14 client's best interest to exclude time?

15 MS. ZELLAN: I believe it is in her best  
16 interest to exclude time today, your Honor.

17 THE COURT: All right. Ms. Hu, let me turn  
18 to you. Have you discussed with your lawyer your  
19 request to exclude time?

20 THE DEFENDANT: Yes.

21 THE COURT: All right. And do you know what  
22 it means to exclude time?

23 THE DEFENDANT: I know.

24 THE COURT: All right. Ms. Hu, I want you  
25 to understand -- I want to make sure you fully

1 understand what you're agreeing to by consenting to  
2 this order of excludable delay. Under the Constitution  
3 and laws of the United States, a defendant in a  
4 criminal case is entitled to a speedy trial.  
5 Specifically, by statute, a trial must begin within 70  
6 days of the latter of the unsealing of the indictment  
7 or the defendant's first appearance in the district of  
8 prosecution. There are certain periods of time  
9 excluded from that 70-day calculation.

10           If the trial does not begin with 70 days,  
11 that could form the basis for a motion to dismiss the  
12 charges against both of you. By agreeing to exclude  
13 time from today, February 13<sup>th</sup>, until March 12<sup>th</sup>, 2025  
14 from that 70-day calculation, you are in effect  
15 agreeing that the speedy trial clock will not be  
16 running at all during that period of time. Therefore,  
17 if I approve this exclusion and you later make a motion  
18 to dismiss the charges on the grounds that you had not  
19 been brought to trial within 70 days, you would not be  
20 permitted to take into account in your calculation the  
21 period of time from today, February 13<sup>th</sup>, to March 12<sup>th</sup>,  
22 2025.

23           Do you understand everything I've just said  
24 so far, Ms. Hu?

25           (Ms. Zellan is conferring with the

1 defendant.)

2 THE DEFENDANT: Yes, understood.

3 THE COURT: All right. Now, understanding  
4 what I've just said, do you still want me to approve  
5 this order of excludable delay?

6 THE DEFENDANT: Thank you, appreciate it.

7 THE COURT: I need to know yes or no, do you  
8 still want me to approve this order of excludable  
9 delay?

10 THE DEFENDANT: Yes.

11 THE COURT: All right. Are you making this  
12 decision voluntarily and of your own free will?

13 THE DEFENDANT: Yes.

14 THE COURT: Have any promises or threats  
15 been made to you to get you to agree to this order of  
16 excludable delay?

17 THE DEFENDANT: No.

18 THE COURT: All right. I find that the  
19 defendant's consent is knowing, intelligent, and  
20 voluntary, and that excluding the specified period of  
21 time serves the public interest. I will go ahead and  
22 approve the order of excludable delay, all right?

23 Ms. Arfa, anything else for the government  
24 today?

25 MS. ARFA: Yes, your Honor. I would just

1 like to put on the record that the government --

2 UNIDENTIFIED SPEAKER: Counsel, I believe  
3 your mic is not on.

4 MS. ARFA: Your Honor -- is that better?

5 UNIDENTIFIED SPEAKER: Thank you.

6 MS. ARFA: If I could just put on the record  
7 that the government has notified one of the victims in  
8 the case and has made efforts to notify the second  
9 victim. We have not yet been able to make contact but  
10 we will continue those efforts to provide such  
11 notification.

12 THE COURT: Okay. Anything else for the  
13 government?

14 MS. ARFA: Nothing else, thank you, your  
15 Honor.

16 THE COURT: Ms. Zellan, anything else for  
17 the defendant?

18 MS. ZELLAN: Not at this time, your Honor.  
19 Thank you very much.

20 THE COURT: Okay, we are adjourned. Have a  
21 nice day, everyone.

22 MS. ARFA: Thank you.

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18 I certify that the foregoing is a correct  
19 transcript from the electronic sound recording of the  
20 proceedings in the above-entitled matter.  
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24

A rectangular box containing a handwritten signature in black ink. The signature appears to be 'E. Barron' with a long horizontal flourish extending to the right.

25 ELIZABETH BARRON

March 18, 2025